

REMARKS

Applicants have carefully reviewed the Office Action dated May 10, 2004, regarding the above referenced patent application. Claims 1-14 have been rejected. With this Amendment, claims 1-3, 6-10, 13 and 14 have been amended, and claims 15-20 have been added. Support for the amendments to claims 1, 8 and 14 asserting the phrase "a common antenna for selectively transmitting the request signal and the transponder driving radio wave" may be located in the original specification at page 8, lines 11-14. New claims 15-20 find support in the original specification at page 7, lines 23-25 and page 8, lines 1-5. Accordingly, no new matter has been added with this Amendment. Please consider the following remarks in view of the current amendments.

Drawings

The drawings are objected to because Figure 4 is not labeled in English. Applicants do not agree with this objection because translated drawing sheets were submitted concurrent with the translated specification. However, Applicants comply by providing a replacement drawing sheet for Figure 4. Applicants assert no new matter has been added with this replacement sheet.

Claim Objections

Claim 2 is objected to because the word "are" in the last line of claim 2 should be spelled "area." Claim 2 has been amended to replace the word "are" with "area". Thus Applicants assert this objection is considered moot.

Claim Rejections under 35 U.S.C. § 112

Claims 2-7 and 9-13 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Specifically, the Examiner asserts that the first area is not distinctly claimed.

Claims 2, 3, 9 and 10 have been amended to clarify what is claimed in the current invention. Specifically, claims 3 and 10 have been amended to clarify that the vehicle passenger compartment includes a first area where the request signal is output and a second area smaller than the first area where the transponder driving radio wave is output. Accordingly, Applicants believe claims 2-7 and 9-13 are definite.

Claim Rejections under 35 U.S.C. § 103

Claims 1-14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Rohrl et al. (U.S. Patent No. 6,211,776) in view of Flick (U.S. Patent No. 6,188,326). Applicants respectfully traverse this rejection. In order to establish a prima facie case of obviousness, three basic criteria must be met: there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings; there must be a reasonable expectation of success; and the prior art references must teach or suggest all the claim limitations. M.P.E.P. §2142. Applicants assert that the prior art references fail to teach all of the claim limitations of the current invention, thus, a prima facie case of obviousness has not been established.

The present invention is directed to a vehicle remote controller or a transceiver including a common antenna for selectively transmitting a request signal and a transponder driving radio wave. Rohrl et al. disclose an anti-theft system that comprises a portable response transmitter (7) and a transceiver unit (1) for transmitting signals via antennas (3-6) to the portable response transmitter (7). However, as asserted by the Examiner, Rohrl et al. fail to teach “outputting a transponder driving radio wave” or “selectively transmitting the request signal and the transponder driving radio wave from the common antenna.” The Examiner states that the signal which causes the transponder to transmit its coded signal is considered to be the request signal. However, the transponder driving radio wave is not the same as the request signal. As stated in the specification, the request signal may be output in a predetermined first area in the passenger compartment and the transponder driving radio wave may be output in a second predetermined area near the transceiver. See specification at page 7, lines 17-21. The transponder driving radio wave and request signal are used for different purposes. Therefore, they may be selectively transmitted from the common antenna.

Flick fails to remedy the shortcomings of Rohrl et al. Flick teaches a vehicle security system (80) comprising an ignition switch (84), which includes a power transponder (81), which transmits a coded signal in response to the radiated power. However, Flick fails to teach selectively transmitting the request signal and the transponder driving radio wave from the common antenna. The antenna of the power transmitter (83) of Flick transmits only a single kind of signal (i.e., the radiated power). See column 8, lines 40-44. As shown in Figure 4 of

Flick, the power transmitter (83) transmits radiated power to a power receiver (82) via one antenna, and the code receiver (87) receives a coded signal from the coded transmitter (86) via a second antenna. See column 8, lines 35-53. Therefore, Flick fails to teach a common antenna for selectively transmitting a request signal and a transponder driving radio wave as claimed in the current invention.

As described above, neither Rohrl et al. nor Flick teach every claim limitation as set out in independent claims 1, 8 and 14. Therefore, for at least this reason, Applicants assert that a prima facie case of obviousness has not been established. Applicants respectfully assert that claims 1, 8 and 14 are patentable over the prior art and are presently in condition for allowance. All additional claims depend from one of independent claims 1, 8 or 14 and include significant additional elements. Therefore, Applicants assert these claims are also in condition for allowance.

Conclusion

Reexamination and reconsideration are respectfully requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

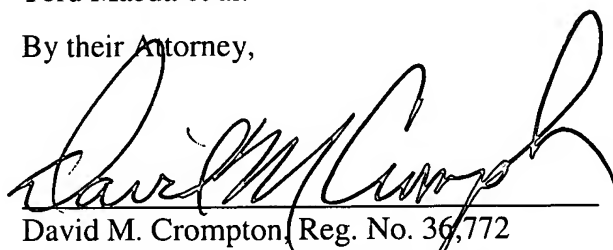
Respectfully submitted,

Toru Maeda et al.

By their Attorney,

Date: _____

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Attachment: One Replacement Drawing Sheet